



CITY OF SAINT PAUL
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GUIDELINES FOR THE COMPLAINANT

THE FOLLOWING INFORMATION OUTLINES THE PROCESS AND PROCEDURES THE DEPARTMENT WILL FOLLOW IN HANDLING YOUR COMPLAINT. PLEASE READ THE INFORMATION CAREFULLY AND ASK YOUR INVESTIGATOR TO EXPLAIN ANYTHING THAT YOU ARE UNSURE OF.

1. FILING OPTION

When the alleged discriminatory action occurred in the City of Saint Paul, you have the option of filing a charge with either the City of Saint Paul Department of Human Rights And Equal Economic Opportunity or with the State of Minnesota Human Rights Department. However, you cannot file a charge on the same matter with both agencies, either at the same time or at different times.

2. FILING A CHARGE

By filing a charge with this Department, you (the "Complainant") are alleging that another party ("the Respondent") has committed a discriminatory act against you in violation of the Saint Paul Human Rights Ordinance. Your signed, written and notarized charge must be reviewed and accepted by the Director of this Department or by a designated manager before any official action is taken. There are no costs to you for filing a charge or for any other services offered by this Department.

When your charge is officially accepted, the Department will mail the Respondent a letter and a copy of your formal charge. Copies of both documents will be mailed to you.

If your allegations involve a housing discrimination complaint based on race, color, sex, religion, national origin, familial status, or disability, you may co-file your charge with the United States Department of Housing and Urban Development (HUD). The HUD's office is located at 220 Second Street South, Second Floor, Minneapolis, Minnesota, 55401. HUD's telephone number is (612) 370-3000. The City of Saint Paul cannot co-file this charge for you.

If your allegations involve an employment discrimination complaint based on race, color, religion, sex, national origin, disability, or age (40 years and older) your charge will be cross-filed by the City of Saint Paul Department of Human Rights And Equal Economic Opportunity with the United States Equal Employment Opportunity Commission (EEOC) at your request, provided that the minimum requirements of Title VII, ADEA or ADA are met. If your charge is cross-filed with the EEOC, this Department will keep EEOC informed of the investigative findings in your case.

3. THE INVESTIGATION

a. A Human Rights Specialist (Investigator) from this Department will be assigned to conduct a THOROUGH and IMPARTIAL investigation of your charge. During the course of the investigation the Human Rights Specialist does not act as your legal representative and cannot provide you legal advice concerning your charge. The Respondent will be asked to give an answer to your allegations. You will then have the burden of giving the reasons why the Respondent's answer is a pretext or an excuse and why the discrimination did occur. Your response to Respondent's answer is called a REBUTTAL.

Investigations usually include interviewing witnesses, gathering documents and analyzing comparative data. The time needed to complete an investigation depends on factors such as the complexity of the charge, the cooperation of Respondent and witnesses, and the case load demands of the Human Rights Specialist.

b. While your complaint is under investigation, the access to file documents and testimony is regulated by the Minnesota Statutes. If any person makes a written request during an investigation to see or have copies of file materials which he or she has not personally submitted to the case file, the Department may ask the Saint Paul City Attorney to determine whether or not the person has legal access to the information requested.

c. If you believe the Respondent has taken reprisal against you or your witnesses because of filing a charge or participating in an investigation, please contact this Department immediately. Reprisal includes negative actions taken against you, such as intimidation, harassment and retaliation. The Respondent and its employees are prohibited from informing a potential employer or landlord that you have filed a charge or opposed a practice forbidden by the human rights laws.

d. The Human Rights Specialist assigned to the case may not always be in when you call or come to the office, therefore, it is suggested that you schedule an appointment before coming to the Department. If the Human Right Specialist is not in when you telephone, please leave a message with the Receptionist. Throughout the investigative process, you must promptly notify the Department in writing of any changes in your address and telephone number and of any matters affecting your charge. A case may be closed before an investigation is completed if: a) you fail to cooperate in providing necessary information, such as your change of address; b) you voluntarily withdraw the charge, or c) you and Respondent privately settle the disputed matter. For your protection, you should consult with the Department before entering into any pre-determination settlement Agreement.

4. RESOLUTION OF YOUR CHARGE

When the investigation is complete, the Department will determine whether there is "Probable Cause", "No Probable Cause" or "Insufficient Evidence" to believe that an unlawful discriminatory act has occurred. Both you and the Respondent will be notified of the determination by mail.

5. NO PROBABLE CAUSE/INSUFFICIENT EVIDENCE

If the Department determines that the weight of the evidence does not support your allegations, a finding of "No Probable Cause" is made. If the Department decides that there is insufficient evidence to make a determination, a finding of "Insufficient Evidence" is made. Complainant has the right to appeal "No Probable Cause" and "Insufficient Evidence" determinations to the Human Rights And Equal Economic Opportunity Deputy Director.

6. PROBABLE CAUSE/CONCILIATION MEETING

If the weight of the evidence substantiates a finding that there is "Probable Cause" to believe that a prohibited discriminatory act occurred, the Department will schedule a conciliation meeting with you and the Respondent. The purpose of the conciliation meeting is to provide a forum where both parties may reach an agreement on terms that would settle the matter and thus avoid litigation.

If the attempt to resolve the complaint through conciliation process fails, the Deputy Director may initiate a civil enforcement hearing before a panel of three Saint Paul Human Rights And Equal Economic Opportunity Commissioners. At a civil enforcement hearing the Department and an Assistant City Attorney will represent your interest at no cost to you. The Human Rights And Equal Economic Opportunity Commission will determine whether a violation has occurred and, if so, issue an order specifying a remedy. This order may be appealed by either party to the State District Court.

7. PRIVATE SUIT BY COMPLAINANT

Minnesota law provides that the complainant may bring a civil action in court against persons alleged to have committed a discriminatory act. A complainant may sue privately without filing a complaint with either the Saint Paul Human Rights And Equal Economic Opportunity Department or the Minnesota Human Rights Department.

A complainant may also begin a private lawsuit under the following circumstances:

a. Within 45 days after the Deputy Director has determined that there is "No Probable Cause" or "Insufficient Evidence" to support the charge; or

b. After 45 days from the filing of the charge if a hearing has not been held or if the Department has not entered into a conciliation agreement to which the complainant is a signator.

If you do decide to bring a private lawsuit under either of the above circumstances, you must notify the Department in writing and follow other specific notice procedures as required under State Law.

Should you have any questions, please feel free to call the Human Rights Specialist assigned to your case or call Readus Fletcher, the Deputy Director of the Department at (651) 266-8966.